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CFIA's New Policy on Incorporation by Reference

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Policy and Program Announcements

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Report Highlights:

The Canadian Food Inspection Agency (CFIA) announced its new policy on incorporation by reference, a drafting technique that brings the content of the incorporated document into a regulation, without the need to reproduce the document in the regulation itself, thus facilitating future changes to a regulation. According to the new policy, CFIA will adhere to the principles of accessibility, transparency, consistency, reasonableness and clarity when incorporating documents by reference in the regulations it administers.

General Information:

The Canadian Food Inspection Agency (CFIA) recently announced its new [policy](#) related to incorporation by reference, a drafting technique that brings the content of the incorporated document into a regulation, without the need to reproduce the document in the regulation itself. Documents incorporated by reference therefore have the same force as the regulation under which it is incorporated.

According to CFIA, the use of appropriately incorporated documents could make the regulatory system more responsive to concerns of industry and consumers by responding more promptly to modern science and new innovations which might require regulatory change.

For example, instead of amending a regulation to revise a list pertaining to food grades or standards which may be subject to ongoing change, a list developed by the CFIA and incorporated by reference could be revised by the CFIA, usually following consultations with stakeholders, without amending the regulation itself. In addition, international or third party standards incorporated into the regulations, if appropriate, could be used rather than reproducing the standard in the regulation itself.

Based on this new policy, CFIA commits to adhere to the guiding principles of accessibility, transparency, consistency, reasonableness and clarity when incorporating documents by reference in the regulations it administers. In terms of actual process, CFIA indicates that when revising documents that were incorporated by reference, the Agency would always publicly notify the proposed changes both domestically and internationally, and would allow for a proper comment period to receive input from interested stakeholders.